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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,177	08/05/2003	Patricia Ann Samolinski	19277	9257

23556 7590 12/14/2004

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

BUI, LUAN KIM

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/635,177	Applicant(s) SAMOLINSKI ET AL.	
	Examiner Luan K Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9 & 10/25/04</u> . | 6) <input type="checkbox"/> Other: ____ |

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the data layer of said each article is configured to provide a wrapping layer which extends across at least two major surfaces of said each article as recited in claim 6 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ceman et al. (2003/0088224; hereinafter Ceman'224) in view of Weinstein et al. (6,564,945; hereinafter Weinstein'945). Ceman'224 discloses a package of articles for daily use comprising a package containing a plurality of personal care articles (20) (page 2, column 2 of paragraph [0023], lines 5-8). The package appears to comprise a bottom panel and a top panel joined with the bottom panel to provide a closed package and the top panel appointed to face toward a user. Ceman'224 further discloses each article comprises a liquid permeable topsheet layer (30), a backsheet layer (28), a data layer (46) which is operatively joined to the article and is intended to be repositioned prior to using the article to enable a full functionality of the article and data indicia (48) located on the data layer and configured to communicate a message to the user. The message related to

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at least one of motivating the user, entertaining the user, educating the user and inspiring the user. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position each article in the package with the data layer arranged to face toward the user when the article is presented to the user to provide more convenience to the user. To the extent that Ceman'224 fails to show the package includes an opening mechanism, Weinstein'945 teaches a package (10) comprising a box (12) having an opening mechanism (30) and a plurality of articles (14) having indicia (22). Weinstein'945 further teaches that each article positioned in the package with the indicia arranged to face toward the user when the article is presented to the user from the opening mechanism. It would have been obvious to one having ordinary skill in the art in view of Weinstein'945 to modify the package of Ceman'224 so the package includes an opening mechanism to facilitate opening the package because such opening mechanism is so old and conventional in the packaging art. As to claim 5, Ceman'224 teaches each article includes a garment-attachment mechanism (34, 40). As to claim 7, Ceman'224 teaches each article further includes a wrapping layer (50). To the extent that Ceman'224 fails to teach the wrapping layer being sufficient transparency to provide access to the data on the article, it would have been obvious to one having ordinary skill in the art in view of Ceman'224 to modify the wrapping layer so the wrapping comprises sufficient transparency to provide access to the data on the article.

4. Claims 8-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to the claims above, and further in view of Brisebois et al. (6,454,095; hereinafter Brisebois'095) or Herrington, Jr. (4,512,476). Ceman'224 further fails to show the

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opening mechanism comprises a line of separability formed along at least a portion of the top panel. Brisebois'095 shows a package (102) containing a plurality of articles (206) comprising an opening mechanism having a line of separability formed along at least a portion of a top panel (Figures 1-2) or formed along a front panel (Figure 10). Herrington, Jr. suggests a package (1) containing a plurality of articles (3) comprising an opening mechanism having a line of separability (27) formed along at least a portion of a top panel to facilitate opening the package. It would have been obvious to one having ordinary skill in the art in view of Brisebois'095 or Herrington, Jr. to modify the opening mechanism of Ceman'224 as modified so the opening mechanism comprises a line of separability formed along at least a portion of a top panel to facilitate opening the package. The selection of the specific locations for the opening mechanism such as on the top panel or the front panel would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well and inasmuch as applicant's specification does not state that using these specific locations as claimed solves any particular problem or yields any unexpected results.

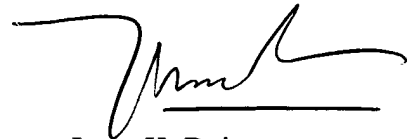
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is (571) 272-4552. If in receiving this Office Action, it is apparent to Applicant that certain documents are missing from the record for example copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Ms. Marilyn Watts at (571) 272-4398.

Any inquiry of a general nature or relating to the status of this application should be directed to the Customer Service whose telephone number is (703) 306-5648. Facsimile correspondence for this application should be sent to (703) 872-9306 for Formal papers and After Final communications.

lkb
December 9, 2004

A handwritten signature in black ink, appearing to read 'Luan K. Bui', written over a horizontal line.

Luan K. Bui
Primary Examiner